

Applic. No. 10/007,390
Amdt. dated June 14, 2004
Reply to Office action of March 11, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-11 remain in the application. Claim 3 has been amended.

In item 2 on page 2 of the above-identified Office action, claim 3 has been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that the term "said other insulating layer" lacks antecedent basis. Claim 3 has been amended so as to facilitate prosecution of the application. Therefore, the rejection of claim 1 has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor

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for any reason related to the statutory requirements for a patent.

In item 4 on page 2 of the Office action, claim 8 has been rejected as being fully anticipated by Harper et al. (U.S. Patent No. 2,009,732) (hereinafter "Harper") or Portman (U.S. Patent No. 3,839,623) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Figs. 1-4 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 7, and 8 call for, *inter alia*:

the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material.

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The Harper reference discloses an electrical resistor with a resistance zone (12), leads (16a), a cementitious compound (14) such as silicon carbide and binder, and a packing (13) such as fire sand.

The Harper reference does not show the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material, as recited in claim 8 of the instant application. Therefore, claim 8 is believed to be allowable over Harper.

The Portman reference discloses an electric heater having resistance wire (13), terminal pins (9a, 9b), an end plug (17), and an electrical insulating powder (15). The terminal pins (9a, 9b) pass through the end plug (17).

The Portman reference does not show the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material, as recited in claim 8 of the instant application. Therefore, claim 8 is believed to be allowable over Portman as well.

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In item 6 on page 3 of the Office action, claims 1, 3, and 5-9 have been rejected as being fully anticipated by Smith, Jr. (U.S. Patent No. 3,474,375) (hereinafter "Smith") under 35 U.S.C. § 102 or in the alternative as obvious over Smith (U.S. Patent No. 3,474,375) in view of Zandman et al. (U.S. Patent No. 3,405,381) (hereinafter "Zandman") under 35 U.S.C. § 103.

The Smith reference discloses a precision resistor that has a narrow metal cup (52) surrounding the resistor (22), which is attached to flexible leads (15 and 20), which in turn are attached to lead wires (26' and 27'). The lead wires pass through a glass body (54) that is part of an end closure unit (53), which is attached to the narrow metal cup (52). A plastic container (51) is provided, which abuts the glass body of the end closure unit (53) and accommodates the resistor (22).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically

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insulating and thermally conducting material, as recited in claims 1, 7, and 8 of the instant application.

The Smith reference discloses a plastic container (51) that is slid over the resistor (22) and abuts the glass body of the end closure unit (53). The plastic container is open on both of its end faces. Therefore the Smith reference does not disclose that the resistance zone and the power supply leads with the exception of the connection contacts are completely embedded in an encapsulation of electrically insulating and thermally conducting material. This is contrary to the invention of the instant application as claimed, in which the resistance zone and the power supply leads, except for the connection contacts, are completely embedded in an encapsulation of electrically insulating and thermally conducting material.

Based on the above provided comments the reference does not disclose the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material, as recited in claims 1, 7, and 8 of the instant application.

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Regarding Zandman, applicants comment as follows. The Zandman reference does not make up for the deficiencies of Smith.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Since claim 1 is believed to be allowable over Smith and over Smith in view of Zandman, dependent claims 3, 5, 6, and 9 are believed to be allowable over Smith and over Smith in view of Zandman as well.

In 7 item on page 3 of the Office action, claims 1, 6-7, and 9 have been rejected as being obvious over Woodson (U.S. Patent No. 1,533,292) in view of Wrob et al. (U.S. Patent No. 4,112,410) (hereinafter "Wrob") under 35 U.S.C. § 103.

The Woodson reference discloses an electrically heated device having a resistance zone (19), contact terminals (14), and a tubular casing (11) made of rubber.

It is respectfully noted that the Examiner's comments that Woodson discloses an insulating layer (13) is not correct. The reference numeral "13" disclosed in Woodson pertains to

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screw threads. Therefore, the reference numeral "13" is not an insulating layer as suggested by the Examiner.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material, as recited in claims 1 and 7 of the instant application.

The Woodson reference discloses a tubular casing having a resistance zone disposed therein. The Woodson reference does not disclose that the resistance zone and the power supply leads with the exception of the connection contacts are completely embedded in an encapsulation of electrically insulating and thermally conducting material. This is contrary to the invention of the instant application as claimed, in which the resistance zone and the power supply leads, except for the connection contacts, are completely embedded in an encapsulation of electrically insulating and thermally conducting material.

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Based on the above provided comments the reference does not disclose the resistance zone and the power supply leads, except for the connection contacts, being completely embedded in an encapsulation of electrically insulating and thermally conducting material, as recited in claims 1 and 7 of the instant application.

Regarding Wrob, applicants comment as follows. The Wrob reference does not make up for the deficiencies of Woodson.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

In item 8 on page 4 of the Office action, claims 4 and 5 have been rejected as being obvious over Smith (U.S. Patent No. 3,474,375) in Mazzochette (U.S. Patent No. 6,016,085) under 35 U.S.C. § 103. Mazzochette does not make up for the deficiencies of Smith. Since claims 1 is believed to be allowable, dependent claims 4 and 5 are believed to be allowable as well.

In item 9 on page 4 of the Office action, claims 10 and 11 have been rejected as being obvious over Portman (U.S. Patent No. 3,839,623) or Smith (U.S. Patent No. 3,474,375) in view of

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Ogren (U.S. Patent No. 3,463,636) under 35 U.S.C. § 103. It is noted that neither claim 1 or 7 was rejected over Portman. Since claims 10 and 11 depend from claims 1 and 7 respectively, claims 10 and 11 are patentable over Portman in view Ogren. Furthermore, Ogren does not make up for the deficiencies of Smith. Since claims 1 and 7 are believed to be allowable, dependent claims 10 and 11 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 7, or 8. Claims 1, 7, and 8 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 7, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

06-14-'04 15:38 FROM-Lerner & Greenberg +9549251101

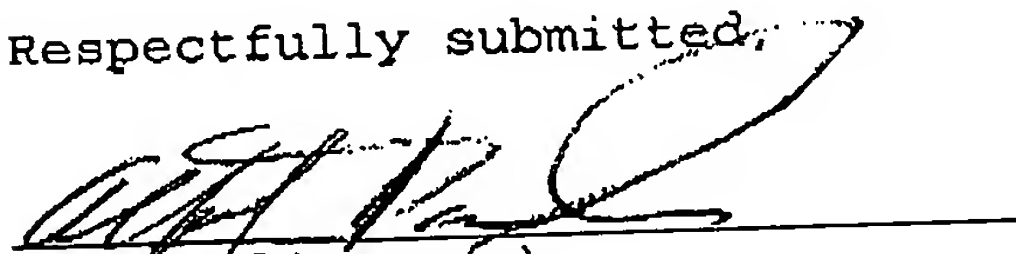
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If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

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June 14, 2004

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